



Notice of Allowability

Application No.

10/716,983

Examiner

Stephen W. Jackson

Applicant(s)

D'AMATO, JAMES

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 2-6-06.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

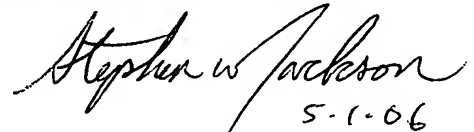
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


5-1-06

STEPHEN W. JACKSON
PRIMARY EXAMINER



142 Fairview Avenue
Deer Park, N.Y. 11729-6532
May 11, 2006

United States Patent and Trademark Office
Commissioner for Patents
Mail Stop: Issue Fee
P.O. Box 1450
Alexandria, Virginia 22313-1450

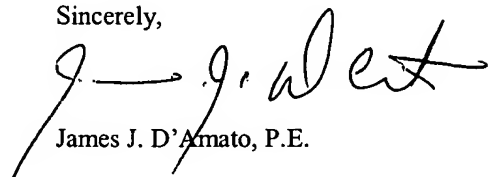
Reference: Application No. 10/716,983
Attachments: Notice of Allowance and Fee(s) Due form
Part B – Fee(s) Transmittal form
Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(PTOL-85 (Rev.01/06))
Notice of Allowability (PTOL-37 (rev. 7-05))

To whom it may concern,

Enclosed with the Fee(s) Transmittal form is a personal check in the amount of \$1000.00 for both the issue fee and publication fee. In addition, the forms that were originally mailed with the Fee(s) Transmittal form such as the Notice of Allowance and Fee(s) Due, Determination of Patent Term Adjustment under 35 U.S.C. 154 (b), and Notice of Allowability that was signed by the Primary Patent Examiner Stephen W. Jackson are also being returned for the purpose of keeping the original mailing package complete. All forms originally mailed were copied and retained by the applicant for record keeping and the Fee(s) Transmittal form that required a dated signature was signed, dated and returned accordingly.

The applicant requests this office to review the required fees due since the USPTO Fee Schedule, effective January 1, 2003, which was the time the original application was filed, requested for a Small Entity a Utility issue fee of \$650.00 and a Publication fee for early, voluntary, or normal publication in the amount of \$0.00. As a result, the applicant is unclear whether to abide by the fee schedule imposed at the time the application was filed or any revised fee schedule that may have happened during the examination of the patent. Given the fact that a check was sent for the requested amount, the applicant still requests this office a written response pertaining to the applicable fee schedule. Thank you.

Sincerely,



James J. D'Amato, P.E.